

From: [Dulin, Rebecca Jean](#)
To: [Wessinger-Hill, JoAnne](#); [Hall, Roger](#); [Grube-Lybarker, Carri](#); [John J. Pringle, Jr.](#); [Heather Smith](#); [Pittman, Jenny](#); [fellerbe@robinsongray.com](#)
Cc: [PSC Contact](#)
Subject: RE: [External] Cherokee Cogen Proposed Procedural Schedule (2020-263-E)
Date: Tuesday, April 13, 2021 11:58:01 AM

Jo Anne,

Given that the Commission is scheduled to issue a procedural schedule in this matter tomorrow morning, I thought I should reach out to you again regarding the procedural approach that the parties are discussing, which involves essentially a bifurcation of the issues, whereby the Commission would first rule on certain threshold questions of law. Such decisions would inform the remaining factual issues that may or may not exist upon the Companies' application of the Commission's decision on the legal issues. Explaining this approach through a scheduling conference with all of the parties may be easier than doing so through email. Mr. Pringle and I have not yet had the opportunity to confer further on this potential approach; I believe that he is still discussing the matter with his client.

Additionally, I noticed that the Commission has included Cherokee's request to extend the PPA on its agenda for Wednesday. The Companies intend to respond to Cherokee's request, but given that it was just filed on Friday, the Companies have not completed their response at this time.

Regards,
 Rebecca

From: Dulin, Rebecca Jean
Sent: Friday, April 9, 2021 4:22 PM
To: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>; Hall, Roger <RHall@scconsumer.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Pittman, Jenny <jpittman@ors.sc.gov>; fellerbe@robinsongray.com;
 fellerbe@robinsongray.com
Cc: Frank Ellerbe (fellerbe@robinsongray.com) <fellerbe@robinsongray.com>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Pittman, Jenny <jpittman@ors.sc.gov>; PSC_Contact <Contact@psc.sc.gov>
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Jo Anne,

Unfortunately, the two witnesses that DEC/DEP intends to call are not available on the dates you reference below. These witnesses are imperative to the Companies' case and cannot be replaced by anyone else.

Importantly, the parties have been in contact about a potential procedural approach that may reduce the complexity of this case and create a more efficient adjudication of the matters at issue. Counsel for Cherokee is consulting with his client on this approach, and we intend to confer on Monday. We anticipate that a scheduling conference would likely be helpful early in the week, but will confirm our request for such scheduling conference as soon as Cherokee's counsel and I have the opportunity to confer further.

I will be in touch again soon.

Thank you,
 Rebecca

From: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Sent: Wednesday, April 7, 2021 11:10 AM

To: Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Hall, Roger <RHall@scconsumer.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Smith, Heather Shirley <Heather.Smith@duke-energy.com>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>; Pittman, Jenny <jpittman@ors.sc.gov>; fellerbe@robinsongray.com; fellerbe@robinsongray.com

Cc: Frank Ellerbe (fellerbe@robinsongray.com) <fellerbe@robinsongray.com>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Pittman, Jenny <jpittman@ors.sc.gov>; PSC_Contact <Contact@psc.sc.gov>

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Parties of Record:

Thank you for the proposed schedule. Please let this email serve as confirmation of receipt. However, the proposed date for the hearing is not available on the Commissioner's schedule. As the attorney assigned to this Docket, the following dates are available for a merits hearing to be held in this matter: (1) on June 21-22, 2021 or (2) the week of July 26, 2021 (with Wednesday, July 28th already scheduled for the Commission Business meeting at 11:00 a.m. but otherwise available at this time).

Please advise no later than close of business on Friday, April 7, 2021, if there are any changes in the proposed procedural schedule below.

Any communication with Commission staff will be posted on the DMS and must also be provided to all parties of record in accordance with Commission policies and procedures to avoid any potential ex parte communication.

With kind regards, I am

Jo Anne Wessinger Hill

C. Jo Anne Wessinger Hill, Esq.
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From: Dulin, Rebecca Jean <Rebecca.Dulin@duke-energy.com>

Sent: Thursday, April 1, 2021 10:07:09 AM

To: Wessinger-Hill, JoAnne <JoAnne.Hill@psc.sc.gov>

Cc: Frank Ellerbe (fellerbe@robinsongray.com) <fellerbe@robinsongray.com>; John J. Pringle, Jr. <jack.pringle@arlaw.com>; Pittman, Jenny <jpittman@ors.sc.gov>

Subject: [External] Cherokee Cogen Proposed Procedural Schedule (2020-263-E)

Jo Anne:

The parties have conferred and agree upon the following procedural schedule that we would like the Commission to consider for this matter.

Cherokee Direct Testimony: May 3, 2021

Duke/ORS Direct Testimony: May 24, 2021

Cherokee Rebuttal Testimony: June 14, 2021
Hearing: June 29-30, 2021

Mr. Pringle asked me to mention in this email that Cherokee intends to ask the Commission to consider an additional extension of time on the PPA.

Please let us know if you have any questions or would like to discuss in a status conference with the parties.

Regards,
Rebecca

Rebecca J. Dulin

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